

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER

## INSTRUCTIONS:

| DO NOT WRITE IN THIS SPACE |            |
|----------------------------|------------|
| Case                       | Date Filed |
| 20-CA-231372               | 11/19/2018 |

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

## 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

|  |  |   |
|--|--|---|
| a. Name of Employer<br>UNITED PARCEL SERVICE   |  | b. Tel. No.<br>(b) (6), (b) (7)(C)                    |
| d. Address (street, city, state ZIP code)<br>116 E OLD SETTLERS BLVD,<br>ROUND ROCK, TX 78664-2248 | e. Employer Representative<br>(b) (6), (b) (7)(C)    | g. e-Mail   |
| i. Type of Establishment (factory, nursing home, hotel)<br>delivery services                       | j. Principal Product or Service<br>delivery services | h. Dispute Location (City and State)<br>Round Rock TX |
|  |  | k. Number of workers at dispute location              |

1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a)(1)(3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

## 2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

The Employer by its agent (b) (6), (b) (7)(C), removed (b) (6), (b) (7)(C) from (b) (6), (b) (7)(C) training program in retaliation for (b) (6), (b) (7)(C) protected concerted and Union activities. The Employer retaliated against (b) (6), (b) (7)(C) for protected concerted and Union activities by denying (b) (6), (b) (7)(C) work opportunities, sending (b) (6), (b) (7)(C) home early, violating (b) (6), (b) (7)(C) seniority, issuing discipline, and harassing (b) (6), (b) (7)(C). The Employer by its agent (b) (6), (b) (7)(C) threatened to issue discipline to (b) (6), (b) (7)(C) if (b) (6), (b) (7)(C) filed a grievance, and made other anti-Union comments about (b) (6), (b) (7)(C) efforts to file grievances.

## 3. Full name of party filing charge (if labor organization, give full name, including local name and number)

|   |  |                                     |
|---|--|-------------------------------------|
| (b) (6), (b) (7)(C)   |  | 4b. Tel. No.<br>(b) (6), (b) (7)(C) |
| 4a. Address (street and number, city, state, and ZIP code)<br>(b) (6), (b) (7)(C) |  | 4c. Cell No.                        |
|   |  | 4d. Fax No.                         |
|   |  | 4e. e-Mail<br>(b) (6), (b) (7)(C)   |

## 5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) (b) (6), (b) (7)(C)

## 6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

|                              |                      |                                 |
|------------------------------|----------------------|---------------------------------|
| (b) (6), (b) (7)(C)          |                      | Tel. No.<br>(b) (6), (b) (7)(C) |
| (b) (6), (b) (7)(C)          |                      | Office, if any, Cell No.        |
| (b) (6), (b) (7)(C)          | Print Name and Title | Fax No.                         |
| Address: (b) (6), (b) (7)(C) | Date: 11-19-18       | e-Mail<br>(b) (6), (b) (7)(C)   |

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

(b) (6), (b) (7)(C)

# CA CHARGE ASSIGNMENT SHEET

Support Staff

*Car*

Date Filed: November 19, 2018

Assigned to:

*Jennifer*  
(Supervisor)

*Randy*  
(Agent)

Case Name: **United Parcel Service**

Case No. **20-CA-231372**

IA Category **III** **II** **I**

Target Date **1/29/18**

10(j) potential: Yes ☐ No ☐ Unknown ☐

Discharge Organizing Campaign ☐ (add to Hot Topics)

Allegations: **8(a)(1)(3)** If this is an 8(a)(3) CA, enter number of Discriminatees

How was charge received? E-filed ☐ IO Visit ☐ Mailed in ☐ Faxed in ☒ Emailed ☐

I/O Assisted? Yes ☐ No ☒ Inquiry Need Inquiry ID ☐

Bargaining Status (Check one) Existing Contract ☐ Organizing Campaign ☐ None ☐  
Seeking Initial Contract ☐ Seeking Succeeding Contract ☐

Dispute Location: State: **CA** County:

Yes ☐ No ☐

Include Spanish Assistance & Explanation Paragraphs (in docket letter to Charging Pty only) Yes ☐ No ☐

Does this case block any other? Yes ☐ No ☐

Is there a "request to proceed" in the petition(s). ☐ Enter Petition case number(s)

## CHECK ALL APPROPRIATE ALLEGATION CODES BELOW

Is the Section 8(a)(1) allegation a derivative and may be deleted? Yes ☐ No ☐

| 8(a)(1)   | 8(a)(3)   | 8(a)(5)  |
|---|---|--|
| <input checked="" type="checkbox"/> Coercive Actions (Surveillance, etc.)                     | <input checked="" type="checkbox"/> Changes in Terms & Conditions of Emplt            | Alter Ego  |
|   | <input type="checkbox"/> Discharge (including Layoff & Refusal to Hire (not salting)) |  |
| <input checked="" type="checkbox"/> Coercive Rules  | <input checked="" type="checkbox"/> Discipline  | Failure to Sign Agreement  |
| <input checked="" type="checkbox"/> Coercive Statements (Threats, Promises of Benefits, etc.) | <input type="checkbox"/> Lockout  | Refusal to Bargain/Bad Faith Bargaining (incl surface bargaining/direct dealing) |
| <input type="checkbox"/> Concerted Activities (Retaliation, Discharge, Discipline)            | <input type="checkbox"/> Refusal to Hire Majority                                     | Refusal to Furnish Information   |
|   | <input type="checkbox"/> Refusal to Consider/Hire Applicant (salting only)            | Refusal to Recognize   |
| <input type="checkbox"/> Denial of Access   | <input type="checkbox"/> Refusal to Reinstate Employee/Striker (e.g., Laidlaw)        | Repudiation/Modification of Contract [Sec. 8(d)/Unilateral Changes]              |
| <input type="checkbox"/> Discharge of supervisor (Parker-Robb Chevrolet)                      | <input type="checkbox"/> Retaliatory lawsuit  | Shutdown or Relocate (e.g., First National Maint.) Subcontract Work              |
|   | <input type="checkbox"/> Shutdown or Relocate/ Subcontract Unit Work                  | 8(e)   |
| <input type="checkbox"/> Interrogation (including Polling)                                    | <input type="checkbox"/> Union Security Related Actions                               | All Allegations against an Employer  |
| <input type="checkbox"/> Lawsuits   | 8(a)(4)   | Comments:  |
| <input type="checkbox"/> Weingarten   | <input type="checkbox"/> Changes in Terms & Conditions of Emplt                       |  |
| <input type="checkbox"/> 8(a)(2)  | <input type="checkbox"/> Discharge (incl Layoff & Refusal to Hire)                    |  |
| <input type="checkbox"/> Assistance   | <input type="checkbox"/> Discipline   |  |
| <input type="checkbox"/> Domination   | <input type="checkbox"/> Refusal to Reinstate Employee/Striker                        |  |
| <input type="checkbox"/> Unlawful Recognition   | <input type="checkbox"/> Shutdown or Relocate/Subcontract Unit Work                   |  |

Is this a Related case? Yes ☒ No ☐ Check here if above case is the main number ☐

If yes, what is main case number?

**(b) (6), (b) (7)(C)**

Case Name: United Parcel Service, [UPS]  
Case No.: 20-CA-231372  
Agent: [AGENT NAME AND TITLE]

## CASEHANDLING LOG

[illegible]



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 20  
901 Market Street, Suite 400  
San Francisco, CA 94103-1738

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (415)356-5130  
Fax: (415)356-5156



Download  
NLRB  
Mobile App

November 20, 2018

(b) (6), (b) (7)(C)  
116 East Old Settlers Blvd  
Round Rock TX 78664-2248

Re: United Parcel Service, [UPS]  
Case 20-CA-231372

Dear (b) (6), (b) (7)(C)

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney RANDY M. GIRER whose telephone number is (628)221-8845. If this Board agent is not available, you may contact Supervisory Attorney JENNIFER BENESIS whose telephone number is (628)221-8846.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not

enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

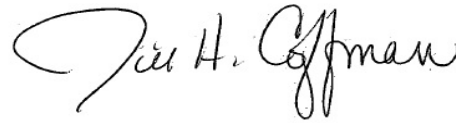
**Prohibition on Recording Affidavit Interviews:** It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

**Procedures:** We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



---

JILL H. COFFMAN  
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

**(b) (6), (b) (7)(C)**

UPS Corporate Legal Department  
55 Glenlake Parkway NE  
Atlanta GA 30328



**QUESTIONNAIRE ON COMMERCE INFORMATION**

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

CASE NUMBER

20-CA-231372

**1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)****2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify )**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION  
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

**4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS****5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

**9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates )**

YES NO

A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.  
\$B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.  
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.  
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (Check the largest amount)  
☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. Did you **begin operations within the last 12 months?** If yes, specify date: \_\_\_\_\_**10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

**12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE**

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

**PRIVACY ACT STATEMENT**

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**UNITED STATES OF AMERICA**  
**BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**UNITED PARCEL SERVICE, [UPS]**

Charged Party

and

**(b) (6), (b) (7)(C)**

Charging Party

**Case 20-CA-231372**

**AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER**

I, the undersigned employee of the National Labor Relations Board, state under oath that on November 20, 2018, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Mike Souillard, Human Resources  
116 East Old Settlers Blvd  
Round Rock TX 78664-2248

November 20, 2018

Date

Caroline Barker, Designated Agent of NLRB

Name

/s/ Caroline Barker

Signature





UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 20  
901 Market Street, Suite 400  
San Francisco, CA 94103-1738

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Download  
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November 20, 2018

(b) (6), (b) (7)(C)

Re: United Parcel Service, [UPS]  
Case 20-CA-231372

Dear (b) (6), (b) (7)(C)

The charge that you filed in this case on November 19, 2018 has been docketed as case number 20-CA-231372. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

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**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

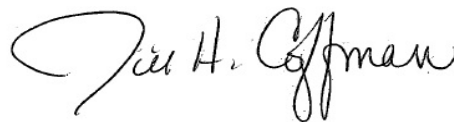
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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



---

JILL H. COFFMAN  
Regional Director